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December 29, 1997

Magalie Roman Salas, Secretary
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

DEC 29 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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JEROLD L. JACOBS

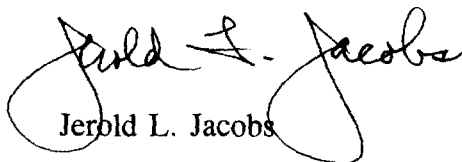
Re: **FM Table of Allotments
Topeka, Kansas
Petition for Rulemaking**

Dear Ms. Salas:

Enclosed herewith for filing, on behalf of our client, Shawnee Broadcasting Corporation, licensee of Station KWIC(FM), Topeka, Kansas, are an original and four (4) copies of its "Petition for Rulemaking" in the above-referenced matter.

Please direct any inquiries or communications concerning this matter to the undersigned.

Very truly yours,


Jerold L. Jacobs

Enc.

cc: As on Certificate of Service (all w/enc.)

044
mmb

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) RM-
Table of Allotments,)
FM Broadcast Stations)
(Topeka, Kansas))

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Mass Media Bureau

PETITION FOR RULEMAKING

SHAWNEE BROADCASTING CORPORATION ("Shawnee"), licensee of Station KWIC(FM), Topeka, Kansas, by its attorneys, pursuant to §1.401 of the Commission's Rules, hereby petitions the Commission to institute a rulemaking proceeding to amend the FM Table of Allotments (§73.202(b) of the Commission's Rules) to substitute Channel 257C3 for Channel 257A at Topeka, Kansas, and to modify the license of Station KWIC(FM) to specify operation on that channel. In support hereof, Shawnee shows the following:

1. Shawnee and its predecessors have been operating Station KWIC(FM) as a Class A FM facility at Topeka, Kansas since October 1993. Topeka, the State Capital and the county seat of Shawnee County, has a 1990 U.S. Census population of 119,883 persons and nine commercial radio outlets (four AM and five FM). However, and most importantly, the four other Topeka FM stations are 100-kilowatt full Class C stations. Thus, as a 6-kilowatt Class A outlet, Station KWIC is not maximizing its potential audience and service area, is not maximizing the effective use of its frequency, and operates at a severe competitive disadvantage vis-a-vis the other Topeka FM stations.

2. Attached hereto as Exhibit A is the Engineering Statement ("Statement") of Clarence M. Beverage of Communications Technologies, Inc., which fully demonstrates that

upgrading Station KWIC to Class C3 will increase its potential audience by 13.7% (195,257 persons versus the present 171,737) and will increase its service area by 100% (4684 square kilometers versus 2341) (Statement at 3). However, to accomplish this objective, two other changes in the Table of Allotments will also be necessary, consistent with the two-channel substitution limit enunciated in FM Table of Allotments (Columbus NE), 59 RR 2d 1184 (1986).

3. Thus, Shawnee requests the following changes in the FM Table of Allotments:

City	Channel Number	
	Present	Proposed
Topeka, Kansas	257A	257C3
Iola, Kansas	257A	268A
Emporia, Kansas	258A	241A

As the Statement indicates (at 1 and 3), these changes require Stations KIKS(FM), Iola, Kansas and KRWV(FM), Emporia, Kansas to change frequencies, as well as Station KWIC. However, these channel substitutions can be effectuated at the other stations' currently authorized transmitter sites in accordance with the minimum spacing requirements of §73.207 of the Rules. Moreover, the Statement demonstrates (at 3) that Shawnee's wide area FM proposal will also benefit the other two stations, because there will be increases in their potential audiences and service areas, even though the stations will not be required to change their transmitter sites. Specifically, Station KIKS's potential audience will increase by 60.5% (from 18,176 persons to 29,176), and its service area will increase by 41.4% (from 1780 square kilometers to 2517), and Station KRWV's potential audience will increase by 56 persons (from 36,646 to 36,702), and its service area will increase by 68 square kilometers (from 2510 to 2578).

4. Finally, the Statement concludes (at 4 and Tables I, II, and III) that Shawnee's upgrade proposal for Station KWIC is fully spaced to all FM allotments, using the coordinates

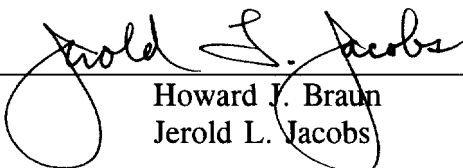
39-01-12 and 95-41-25, and meets all applicable Commission technical standards. Furthermore, in accordance with §1.420(g) of the Rules, since Channel 257C3 is co-channel with Shawnee's current Channel 257A allotment, there is no need to specify a second equivalent channel in order to modify Station KWIC's license in the course of this rulemaking proceeding. In sum, Shawnee urges that grant of the requested Class C3 upgrade and other channel substitutions is fully consistent with all of the Commission's engineering and allotment rules and policies and will serve the paramount public interest.

5. If the proposed upgrade is granted, Shawnee hereby indicates its intention to promptly file an FCC Form 301 modification application to implement it. Moreover, Shawnee hereby expresses its willingness to assume the lawful and reasonable expenses incurred by Stations KIKS and KRWV in changing their frequencies.

WHEREFORE, in view of the foregoing, Shawnee respectfully requests that the Commission should issue a Notice of Proposed Rulemaking in accordance with this Petition and should grant the proposed changes in the FM Table of Allotments.

Respectfully submitted,

SHAWNEE BROADCASTING CORPORATION

By  _____
Howard J. Braun
Jerold L. Jacobs

ROSENMAN & COLIN LLP
1300 - 19th Street, N.W.
Suite 200
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(202) 463-4640

Its Attorneys

Dated: December 29, 1997

**ENGINEERING STATEMENT
PREPARED IN SUPPORT OF A
PETITION FOR RULEMAKING
TO AMEND THE TABLE OF ALLOTMENTS
TO ADD CHANNEL 257C3 AT
TOPEKA, KANSAS**

DECEMBER 1997

**ENGINEERING STATEMENT
PREPARED IN SUPPORT OF A
PETITION FOR RULEMAKING
TO AMEND THE TABLE OF ALLOTMENTS
TO ADD CHANNEL 257C3 AT
TOPEKA, KANSAS**

DECEMBER 1997

SUMMARY

The following engineering statement has been prepared on behalf of **Shawnee Broadcasting Corp.** ("**Shawnee**"), licensee of KWIC(FM), Channel 257A, Topeka, Kansas. **Shawnee** proposes herein to upgrade KWIC to Class C3 facilities by adding Channel 257C3 and deleting Channel 257A at Topeka, Kansas to the FM Table of Allotments, *Section 73.202* of the Commission's Rules and Regulations. To accommodate the upgrade, two other Class A allotments must be changed and these frequency changes to the Table of Allotments are fully explained herein.

This proposal complies with *Section 73.207* of the Rules and *Section 73.315* concerning 70 dBu service to the community of license.

This statement is complete with the following:

Exhibit I. Allocation study for Channel 257C3, Topeka, Kansas.

II. Allocation study for Channel 268A, Iola, Kansas.

III. Allocation study for Channel 241A, Emporia, Kansas.

Figures 1. Predicted 70 and 60 dBu contours for Channel 257A and 257C3 at Topeka, Kansas.

2. Comparison of authorized and proposed 60 dBu contours for Channels 257A and 268A at Iola, Kansas.

3. Comparison of authorized and proposed 60 dBu contours for Channels 258A and 241A at Emporia, Kansas.

REFERENCE COORDINATES/TECHNICAL CHARACTERISTICS

The reference coordinates for Channel 257C3 at Topeka, Kansas are:

N.L. 39° 01' 12"
W.L. 95° 41' 25"

The 8 radial AAT for the reference coordinates is 298.9 meters. The radiation center used for the contour study is, therefore, 398.9 meters AMSL and 100 meters HAAT.

The reference coordinates for Channel 268A at Iola, Kansas are the coordinates for the licensed facilities of KIKS, Channel 257A, Iola, Kansas:

N.L. 37° 54' 04"
W.L. 95° 24' 04"

The 8 radial AAT for the KIKS site is 299.2 meters and the RC for a 100 meter HAAT is 399.2 meters AMSL.

The reference coordinates for Channel 241A at Emporia, Kansas are the coordinates for the outstanding CP for KRWV, Channel 258A, Emporia, Kansas:

N.L. 38° 24' 21"
W.L. 96° 14' 13"

The 8 radial AAT for the KRWV site is 356 meters and the RC for a 100 meter HAAT is 456 meters AMSL.

COMMUNITY CHARACTERISTICS

Topeka is located in Shawnee County, Kansas. U.S. Census data for the city and county are as follows:

	<u>Topeka</u>	<u>Shawnee County</u>
1980 Census	118,690	154,916
1990 Census	119,883	160,976
1992 Estimates	120,257	163,425

ALLOCATION CONSIDERATIONS

Table I, attached, is an allocation study for Channel 257C3, using the reference coordinates specified herein. Table II is the allocation study for Channel 268A at Iola, Kansas, using the KIKS reference coordinates. Table III is the allocation study for Channel 241A at Emporia, Kansas, using the KRWV reference coordinates. It is noted that all three proposals comply fully with *Section 73.207* of the Rules.

Figure 1 depicts the proposed 70 dBu contour and the city of Topeka. The proposed Channel 257C3 allotment will provide 70 dBu service to 100% of the city of Topeka. Because no change in site is associated with the Iola, Kansas and Emporia, Kansas channel changes, no city grade service issues are raised since the facilities are already authorized and the channel changes will not diminish the station's service contours.

PUBLIC INTEREST BENEFIT

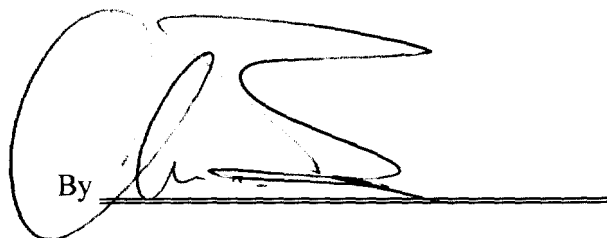
The upgrade proposal by **Shawnee** will result in significant increases in service to the public as demonstrated herein

<u>Facility</u>	60 dBu Contour	
	<u>Population Persons</u>	<u>Area Sq. kM</u>
Ch 257A - Topeka, KS (KWIC License)	171,737	2,341
Ch 257C3 - Topeka, KS (Proposed)	<u>195,257</u>	<u>4,684</u>
Gain	23,520	2,343
Ch 257A - Iola, KS (KIKS License)	18,176	1,780
Ch 268A - Iola, KS (Proposed)	<u>29,176</u>	<u>2,517</u>
Gain	11,000	737
Ch 258A - Emporia, KS (KRWV CP)	36,646	2,510
Ch 241A - Emporia, KS (Proposed)	<u>36,702</u>	<u>2,578</u>
Gain	56	68
Total Gain	34,576 persons	3,148 Sq. kM

CONCLUSION

The Channel 257C3 allotment upgrade proposed for Topeka, Kansas meets all applicable Commission technical standards.

The foregoing was prepared on behalf of **Shawnee Broadcasting Corp.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By 

Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 3rd day of December, 1997,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 15, 2002

EXHIBIT I

ALLOCATION STUDY CH 257C3 TOPEKA, KANSAS

DECEMBER 1997

Search of channel 257C3 (99.3 MHz), at N. 39 1 12, W. 95 41 25.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
=====									
ALC	Leavenworth	KS	255	C	U	96.0	96.0	86.6°	0.0
KQRCFM	Leavenworth	KS	255	C	L	96.0	96.0	86.6°	0.0
ALC	El Dorado	KS	256	C1	U	163.8	144.0	223.5°	19.8
KTLI	El Dorado	KS	256	C1	L	165.0	144.0	223.4°	21.0
ALC	Clarinda	IA	257	C2	U	177.1	177.0	16.0°	0.0
KKBZ	Clarinda	IA	257	C2	L	177.1	177.0	16.0°	0.0
ALC	Iola	KS	257	A	U	126.7	142.0	168.5°	-15.3 1
ALC	Topeka	KS	257	A	U	3.5	142.0	21.7°	-138.5
KIKSFM	Iola	KS	257	A	C	126.9	142.0	168.8°	-15.1 1
KIKSFM	Iola	KS	257	A	L	126.7	142.0	168.5°	-15.3 1
KWIC	Topeka	KS	257	A	L	3.5	142.0	21.7°	-138.5
ALC	Emporia	KS	258	A	U	86.2	89.0	213.1°	-2.8 2
KRWV	Emporia	KS	258	A	C	83.1	89.0	214.9°	-5.9 2
ALC	Fairbury	NE	258	C1	U	179.5	144.0	319.3°	35.5
KUTT	Fairbury	NE	258	C1	L	169.9	144.0	319.5°	25.9
ALC	Kansas City	MO	259	C	U	101.9	96.0	86.0°	5.9
KLTH	Kansas City	MO	259	C	L	101.9	96.0	86.0°	5.9

1 TO CHANNEL 268A

2 TO CHANNEL 241A

EXHIBIT II

ALLOCATION STUDY CHANNEL 268A IOLA, KANSAS

DECEMBER 1997

Search of channel 268A6 (101.5 MHz), at N. 37 54 4, W. 95 24 4.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
=====									
ALC	Wichita	KS	267	C	U	188.0	165.0	266.5°	23.0
KFDIFM	Wichita	KS	267	C	L	188.0	165.0	266.5°	23.0
ALC	Manhattan	KS	268	C2	U	177.6	166.0	328.5°	11.6
KMKF	Manhattan	KS	268	C2	L	177.6	166.0	328.5°	11.6
ALC	Collinsville	OK	268	C3	U	174.6	142.0	192.3°	32.6
KQSY	Collinsville	OK	268	C3	L	177.3	142.0	191.1°	35.3
ALC	Emporia	KS	269	A	U	73.7	72.0	289.0°	1.7
KINDFM	Independence	KS	269	A	L	81.0	72.0	200.7°	9.0
KVOEFM	Emporia	KS	269	A	L	81.0	72.0	309.2°	9.0

EXHIBIT III

ALLOCATION STUDY CHANNEL 241A EMPORIA, KANSAS

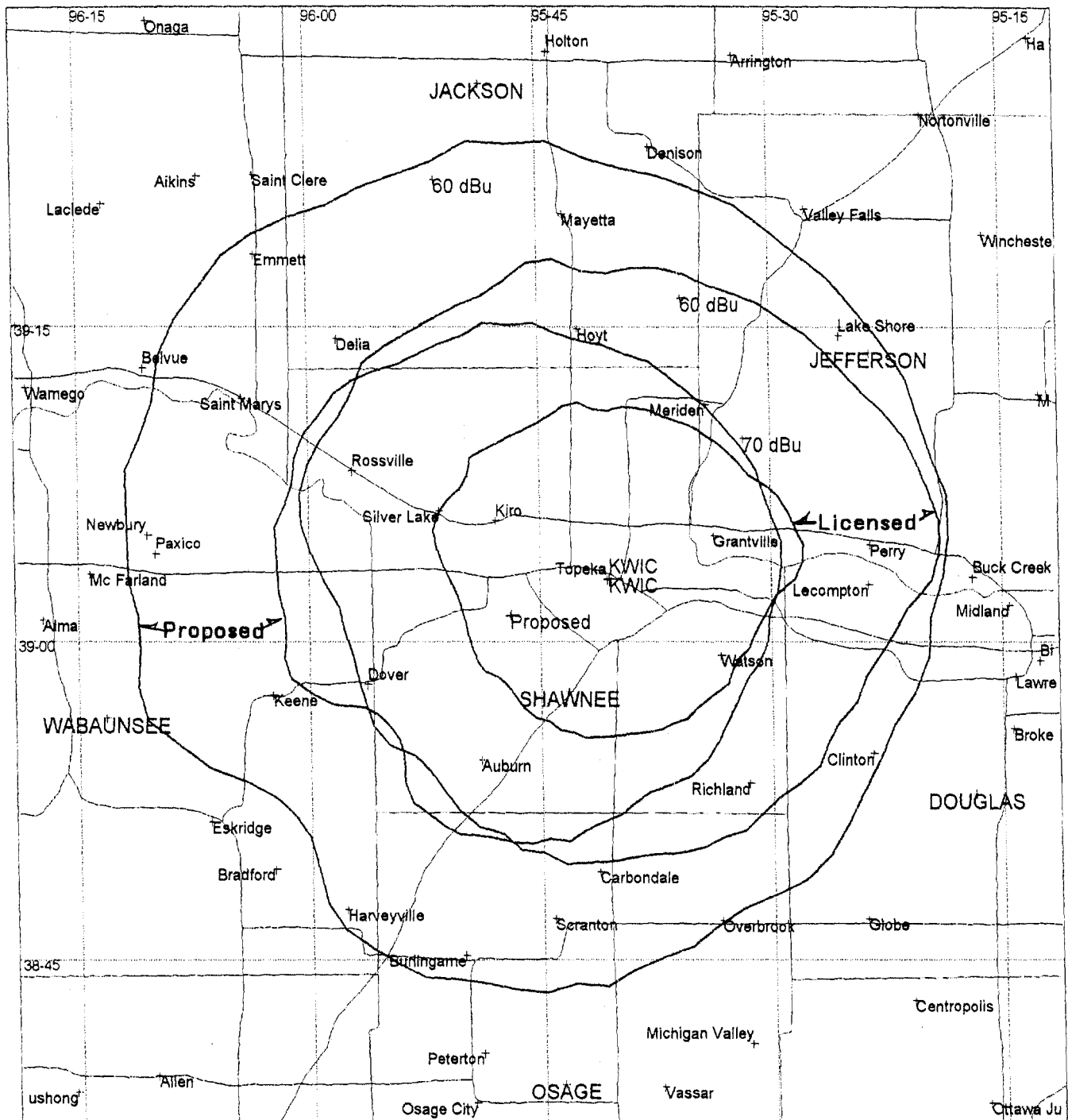
DECEMBER 1997

Search of channel 241A (96.1 MHz), at N. 38 24 21, W. 96 14 13.

Searching Channel 241A (96.1 MHz), from the site of KRWV:

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
=====									
ALC	Ottawa	KS	239	C1	U	80.3	75.0	53.3°	5.3
KCHZ	Ottawa	KS	239	C1	L	107.3	75.0	59.5°	32.3
ALC	Winfield	KS	240	C3	U	148.5	89.0	196.0°	59.5
KAZY	Winfield	KS	240	C3	L	159.5	89.0	202.6°	70.5
ALC	Clinton	MO	241	C	U	232.2	226.0	89.2°	6.2
KLRQ	Clinton	MO	241	C	L	238.4	226.0	88.2°	12.4
ALC	Omaha	NE	241	C	U	295.9	226.0	0.2°	69.9
KEFM	Omaha	NE	241	C	L	295.9	226.0	0.2°	69.9
ALC	Vinita	OK	241	C2	U	228.9	166.0	152.1°	62.9
KITOFM	Vinita	OK	241	C2	L	229.0	166.0	152.1°	63.0
ALC	Derby	KS	242	C2	U	130.3	106.0	227.8°	24.3
ALC	Riley	KS	242	C3	V	104.2	89.0	338.3°	15.2
KRZZFM	Derby	KS	242	C2	L	121.8	106.0	231.2°	15.8
NEW	Riley	KS	242	C3	A	102.8	89.0	337.7°	13.8
NEW	Riley	KS	242	C3	A	102.0	89.0	337.9°	13.0
NEW	Riley	KS	242	C3	A	97.5	89.0	338.8°	8.5
NEW	Riley	KS	242	C3	A	100.6	89.0	340.1°	11.6
ALC	Kansas City	MO	243	C	U	165.0	95.0	65.8°	70.0
KXTR	Kansas City	MO	243	C	L	165.0	95.0	65.8°	70.0
ALC	Topeka	KS	295	C	U	74.3	29.0	22.1°	45.3
KTPK	Topeka	KS	295	C	L	74.3	29.0	22.1°	45.3

FIGURE 1-COMPARISON OF 70 & 60 dBu CONTOURS-TOPEKA, KS



Communications Technologies, Inc.

Scale 1:550000

25 Km

FM Service

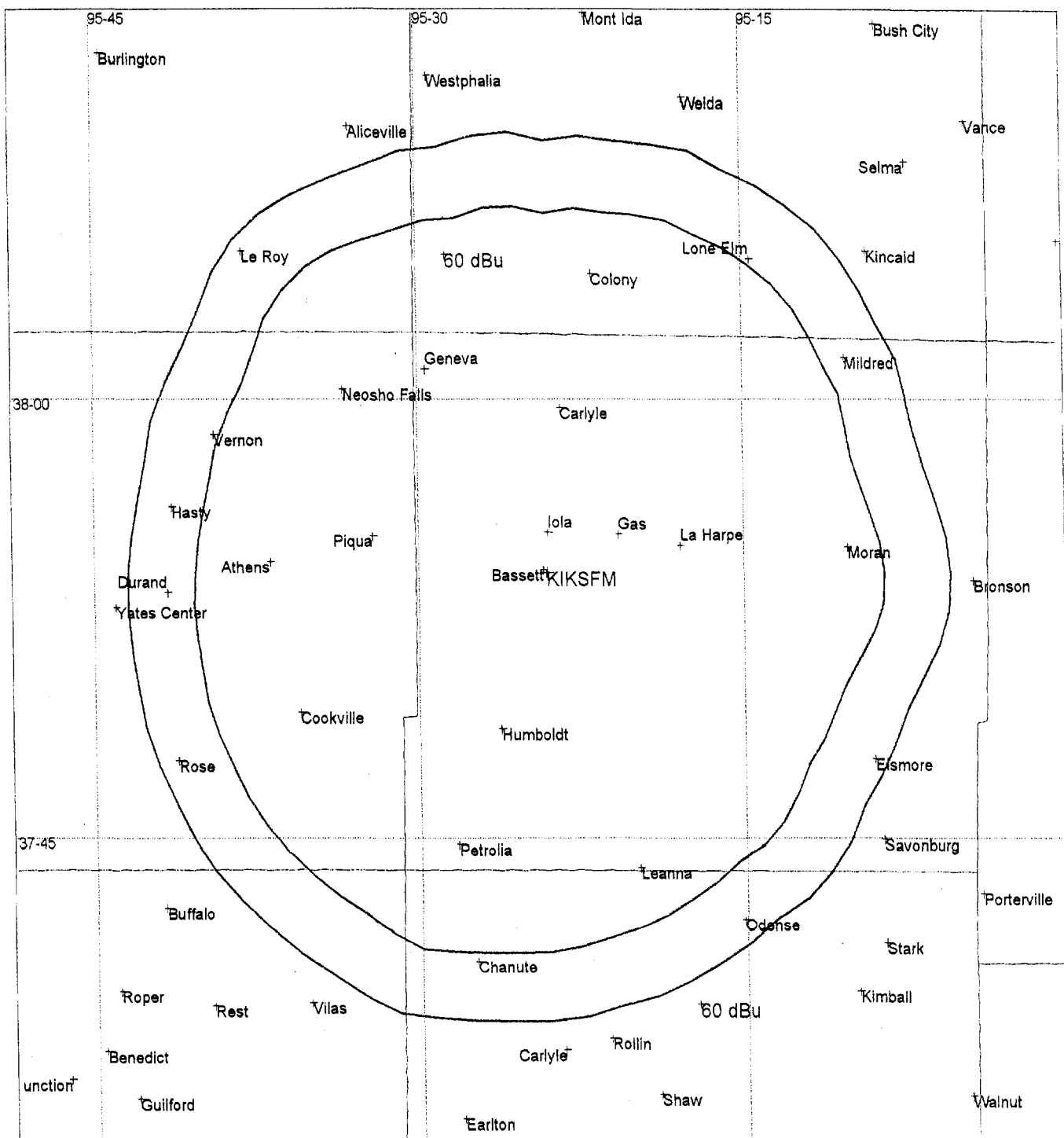
County Borders

Highways

State Borders

Lat-Lon Grids

FIGURE 2 - 60 dBu COMPARISON IOLA, KANSAS



Inner Contour: Lic., Outer Contour Proposed

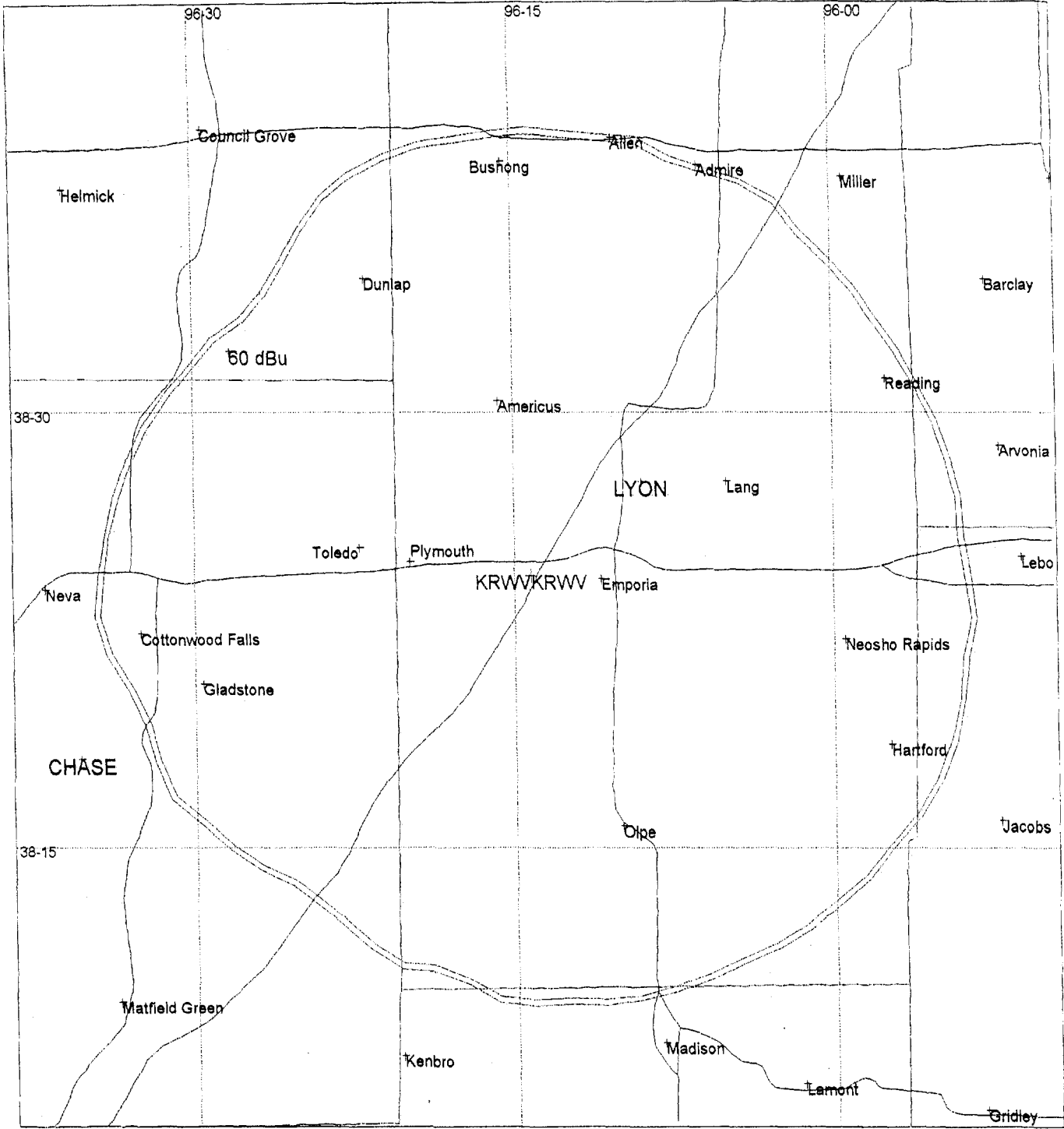
Communications Technologies, Inc.

Scale 1:400000

10 Km

— FM Service - - - County Borders — State Borders - - - Lat-Lon Grids

FIGURE 3 - 60 dBu CONTOUR COMPARISON EMPORIA, KS



Inner Contour: CP, Outer Contour Proposed

Communications Technologies, Inc.

Scale 1:400000

10 Km

--- FM Service

--- County Borders

--- Highways

--- State Borders

--- Lat-Lon Grids

CERTIFICATE OF SERVICE

I, Gillian B. Kirkpatrick, secretary in the law offices of Rosenman & Colin LLP, do hereby certify that on this 29th day of December, 1997, I have caused to be sent by first class United States mail, postage prepaid, or hand-delivered, a copy of the foregoing **"Petition for Rulemaking"** to the following:

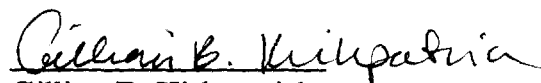
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Iola, KS 66749


Gillian B. Kirkpatrick

***BY HAND**